1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF SOUTH CAROLINA

3 FLORENCE DIVISION

4

CHERYL H. POWELL,

5
      Plaintiff,

6
   vs   Case No.: 4:08-cv-2482-RBH-TER

7
NAN YA PLASTICS AMERICA,

8
      Defendant.

9
                    D E P O S I T I O N

10
   WITNESS: TRAVIS HYMAN

11
   DATE: Thursday, April 16, 2009

12
   TIME: 10:42 a.m.

13
   LOCATION: Law Offices of

14   Cromer & Mabry
                      300 Candi Lane

15   Columbia, South Carolina

16 TAKEN BY: Attorneys for the Plaintiff

17 REPORTED BY: GINA M. SMITH
                      Certified Shorthand Reporter

18   Registered Professional Reporter

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23
                    Gina M. Smith, CSR, RPR

24   117 Harmon Creek Court
                    Lexington, SC 29072

25   803-359-5705

1 reasons that you believe she was a marginal

2 employee?

3   A. Yes. Tardiness in getting to work. When

4 you come to work, you should be on time so you can

5 start when you're supposed to start. If you're not

6 there -- I mean, you can be the best employee in

7 the world, but if you're not there on time, you're

8 not doing your job.

9   Q. How does Nan Ya determine whether or not

10 an employee is arriving on time or not?

11   A. Well, for a salaried employee like

12 Ms. Powell, it's if somebody sees you coming in the

13 gate. Now we have cameras that indicate -- that we

14 can look back at and see if this person was there

15 at eight o'clock or if they weren't.

16   Q. But back then when Ms. Powell was working,

17 before she was terminated, as a salaried employee,

18 how would it be determined if she was late or not?

19   A. If your boss saw you. If you came in

20 late, your boss saw you, and in Ms. Powell's case,

21 if my boss saw her, then she's late. She wasn't in

22 the work area.

23   Q. So are you telling me that there's not a

24 set policy or set mechanism to determine if a

25 salaried employee is late, it's just whether or not

1   A.   It does not have the connotation of what

2   you just said before.   All it was was brown-nosing,

3   kissing up to the boss.

4   Q.   Well, I understand that's your testimony,

5   but I'm asking you to explain to me how a comment

6   about getting under someone's desk would lead you

7   to believe that meant brown-nosing if it's not oral

8   sex.

9   A.   Not oral sex, no.

10   Q.   Some other kind of sex?

11   A.   Not any kind of sex.

12   Q.   Well, explain to me how -- I mean, if

13   you're able to -- getting under someone's desk

14   suggests that that person is trying to gain favor

15   from the boss.

16   A.   When you're trying to gain favor because

17   you're trying to say or whatever and make the boss

18   happy.

19   Q.   Well, what's that got to do with getting

20   under a desk?

21   A.   I don't know.

22   Q.   Do you recall when Steve Page asked

23   Ms. Powell to hook up his computer under his desk?

24   A.   I do not.

25   Q.   So are you saying that you -- well, you

1   just don't remember it?

2   A.   I don't remember it.

3   MR. MABRY: Let me take a break.

4   (A recess transpired.)

5   BY MR. MABRY:

6   Q.   Were you involved at all in the decision

7   to terminate Ms. Powell?

8   A.   I had nothing to do with that.

9   Q.   You were just told about it?

10   A.   Yes.

11   Q.   You were told by whom?

12   A.   Talked to Mr. Page.

13   Q.   And what were you told by Mr. Page?

14   A.   That she was terminated for

15   insubordination.

16   Q.   Do you know whether or not she was given

17   something in writing at the time of her

18   termination?

19   A.   I don't know.

20   Q.   Is it standard procedure to give someone

21   who's being terminated something in writing at that

22   time?

23   A.   About the termination?

24   Q.   Yes.

25   A.   I know that Mr. Stevenson normally handles

1   SIGNATURE OF DEPONENT

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3   I, the undersigned, TRAVIS HYMAN, have

4   read the foregoing deposition consisting of

5   15 pages which was reported by Gina M. Smith,

6   Notary Public in and for the State of South

7   Carolina on April 16, 2009.

8   I find the transcript of this deposition

9   to be a true and accurate transcript according to

10   my testimony on that date with the exception of the

11   corrections as listed on the attached correction
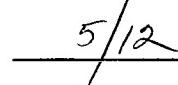
12   sheet, which was filled in by me.

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17   _____
                      TRAVIS HYMAN

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19   _____5/12_____, 2009

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